

Message Text

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47

ACTION L-03

INFO OCT-01 EUR-06 ADP-00 SY-07 CPR-02 RSR-01 RSC-01 /021 W
----- 093487

R 031320 Z APR 73

FM AMEMBASSY LUXEMBOURG

TO SECSTATE WASHDC 3292

INFO AMEMBASSY BRUSSELS

AMCONSUL FRANKFURT

LIMITED OFFICIAL USE LUXEMBOURG 0246

BRUSSELS FOR RSO

E. O. 11652 N/ A

TAGS/ ASEC, PINS, LU

SUBJECT: POLICE COURT SUMMONS TO MSG NCOIC

REF: STATE 053283

1. MFA LEGAL AND PROTOCOL DIRECTOR SHOWED ME ON APRIL 2 COPY OF MEMOIRE HE HAD JUST SENT TO MINISTRY OF JUSTICE REGARDING POLICE COURT SUMMONS TO EMBASSY MSG NCOIC. MEMO, BASED SUBSTANTIALLY ON TWO NOTES WHICH EMBASSY HAD SENT MFA MAKES TWO MAIN POINTS: 1. MARINE HOUSE IS PART OF OFFICIAL BUILDINGS OWNED OR LEASED BY SECRETARY OF STATE, HENCE PRINCIPLE OF IMMUNITY FROM JURISDICTION OF STATE APPLIES AND 2. NCOIC IS MEMBER OF THE ADMINISTRATIVE AND TECHNICAL STAFF OF THE MISSION WITHIN THE MEANING OF ARTICLES (1) F, 31 & 37 OF THE VIENNA CONVENTION AND HENCE IMMUNE FROM CRIMINAL JURISDICTION OF THE GRAND DUCHY OF LUXEMBOURG. MEMOIRE CONCLUDES THAT "LEGAL ACTION BEING TAKEN WITH REGARD TO THE INTERESTED PARTY MUST BE CONSIDERED AS INADMISSIBLE ("IRRECEVABLE").

2. MFA HAS PROVIDED EMBASSY LAWYER WITH "UNOFFICIAL" COPY OF MEMO. LATTER PLANS TO APPEAR AT APRIL 5 POLICE COURT HEARING WITH REQUEST THAT CASE BE QUASHED ON GROUNDS OF INADMISSIBILITY. GALANTO
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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

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Disposition Authority: cunninfx
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